

Amendment

09/913,635

REMARKS

Initially, Applicants respectfully submit that the above amendment should be entered because the amendment does not raise any new issues and does reduce the issues for Appeal. The amendment rewrites claim 28 into independent format, as requested by the Examiner in the previous Office Action, and corrects a minor typographical error in claim 31.

Claims 19, 28-29 and 31 were pending in the application with claims 19, 29 and 31 rejected for the reasons discussed below while claim 28 was objected to for containing allowable subject matter.

The Examiner objected to the specification for failing to provide support for the phrase "damping plate". Applicants respectfully submit that this phrase is supported (see p 8, line 1) and that this objection should be withdrawn.

The Examiner rejected claims 19, 29 and 31 as being anticipated by Sundheim et al. (DE 196 01 435 A1). It is submitted that the claims are patentable over the cited reference for at least the following reasons.

Independent claim 31 is drawn to a brake pad and brake piston assembly including three separate retaining springs coupled to the brake pad for detachably coupling the brake pad to the piston. This configuration allows for individual spring elements that have a simpler (and less costly) design (see para. 009).

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 31. For example, Sundheim et al. fails to disclose or suggest a brake pad and brake piston assembly including all of the aforementioned elements.

Sundheim et al. discloses a brake pad and brake piston assembly including a pad retaining spring (5) which is connected to the friction lining by means of a base portion and to the brake piston by means of a resilient portion.

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As illustrated in Figures 5 and 6, the pad retaining spring has three resilient portions. However, Sundheim et al. does not teach or suggest providing three retaining springs that are separate from one another. In fact, Sundheim et al. does not disclose providing even two retaining springs.

Therefore, Sundheim et al. does not teach or suggest or brake pad and brake piston assembly including first, second and third retaining springs that are separate from one another.

The Applicants respectfully submit that claim 31 is patentable over the cited references. Claims 19 and 29 depend from claim 31 and therefore are submitted to be patentable over the prior art for at least the same reasons and for the further features recited therein.

Claim 28 has been rewritten into independent form containing all of the limitations of claim 31, from which claim 28 previously depended. Therefore, Applicants submit that claim 28 is allowable as indicated by the Examiner in the previous Office Action.

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CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 19, 28, 29 and 31 are in condition for allowance. Accordingly, early allowance of claims 19, 28, 29 and 31 is earnestly submitted.

If the Examiner believes that a conference would be of value in expediting the prosecution of the Application, the Examiner is hereby invited to contact the undersigned agent to set up such conference.

Applicants believe no additional fees are due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2570, under Order No. AP9673 from which the undersigned is authorized to draw.

Respectfully submitted,



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